No. 80-745

FEB 26 1981

In the Supreme Court

OF THE

United States

OCTOBER TERM, 1980

ORIENTAL STEAMSHIP CORPORATION,
Petitioner,

vs.

WILLIAM V. MCMICHAEL,
Respondent.

On Petition for Writ of Certiorari to the United States Court of Appeals for the Ninth Circuit

REPLY BRIEF OF PETITIONER IN SUPPORT OF PETITION

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Whether Respondent's description of the procedural background of this case is accurate, or whether the issue set forth in the Petition was ever previously argued, is irrelevant, since the lower court expressly applied the duty standard of the *Santos* case[1] as the sole legal authority for

[1]Santos v. Scindia Steam Navigation Co., Ltd., 598 F.2d 480 (9th Cir. 1978), *cert. granted*, Scindia Steam Navigation Co. v. De Los Santos (No. 79-512).

its decision.[2] It is Petitioner's contention that in so doing the court committed error. To correct this error, it is respectfully submitted that the petition for certiorari should be granted.

Respectfully submitted,

GRAYDON S. STARING

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[2] "Under the standard of negligence adopted by this circuit for purposes of actions brought under 33 U.S.C. § 905(b), the ultimate determination remains one of reasonable care. *Santos v. Scindia Steam Navigation*, 598 F.2d 480 (9th Cir. 1979), *cert. granted* May 1980." Appendix to Petition at A-2.